

Form 1

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Individual Estate Property Record and Report

Asset Cases

Case No.: 8:18-bk-07736-CPM**Case Name:** ZIRKELBACH CONSTRUCTION, INC.**Trustee Name:** (290680) CAROLYN R. CHANEY**Date Filed (f) or Converted (c):** 09/12/2018 (f)**§ 341(a) Meeting Date:** 10/11/2018**For Period Ending:** 09/30/2022**Claims Bar Date:** 01/14/2019

Ref. #	1 Asset Description (Scheduled And Unscheduled (u) Property)	2 Petition/ Unscheduled Values	3 Estimated Net Value (Value Determined By Trustee, Less Liens, Exemptions, and Other Costs)	4 Property Formally Abandoned OA=\$554(a) abandon.	5 Sale/Funds Received by the Estate	6 Asset Fully Administered (FA)/ Gross Value of Remaining Assets
1	Cash on hand	0.00	0.00		0.00	FA
2	Checking Account at Bank of America - Petty Cash Account	0.00	0.00		0.00	FA
3	A/R Over 90 days old. Face amount = \$3,851,534.42. Doubtful/Uncollectible	3,851,534.42	3,851,534.42		12,755.07	FA
4	(1) Dell PowerEdge R530 Server Intel Xeon 16 GB (1) MS Server Exchange Lie	1,000.00	1,000.00		0.00	FA
5	www.zconstruction.com	Unknown	0.00		0.00	FA
6	Westfield Insurance Policy which includes the umbrella policy. General Liability; Auto Liability; Employers Liability	10,000,000.00	10,000,000.00		105,000.00	FA
7	Zirkelbach Construction Inc vs. Andrews and Associates Inc, 4D Engineering 7 Associates LLC, Patrick J. Andrews, Jerome S Andrews Case No: 2017CA005356AX, Civil Lawsuit. Amount Requested: \$4,220,161.34 (PENDING ADVERSARY PROC. #18-ap-00603) Settlement of \$40,000 with \$6,000 paid to Menchise for Alan Zirkelbach estate.	Unknown	100.00		40,000.00	FA
8	Zirkelbach Construction Inc vs. Florida Floors Southwest Inc. Case No: 2016CA001598AX, Civil Lawsuit. Amount Requested: \$34,748.00 (defendant business is no longer in business; uncollectible)	Unknown	100.00		0.00	FA
9	Zirkelbach Construction, Inc vs. Bank of the Ozarks Case No: 2017CA004119AX, Civil Lawsuit. Amount Requested: \$218,000.00	Unknown	100.00		0.00	FA
10	Potential legal malpractice lawsuit against Patten, Peterman, Bekkedahl & Green PLLC. Money being held in escrow account in the amount of \$32,500.00 for legal fees. Potential legal malpractice lawsuit.	Unknown	100.00		0.00	FA
11	Potential interest in funds deposited in Court Registry for B&B Steel Services, LLC vs. Inter-Faith Assistance Ministry, Inc., et al Case No: 17-CVS-2193	23,964.50	23,964.50		0.00	2,396.45
12	Receipts - Other (u)	0.00	0.00		32,379.30	FA
13	2005 Wells Cargo Trailer (u)	0.00	0.00		1,900.00	FA
13	Assets Totals (Excluding unknown values)	\$13,876,498.92	\$13,876,898.92		\$192,034.37	\$2,396.45

Form 1

Individual Estate Property Record and Report

Asset Cases

Page: 1-2

Case No.: 8:18-bk-07736-CPM**Case Name:** ZIRKELBACH CONSTRUCTION, INC.**For Period Ending:** 09/30/2022**Trustee Name:** (290680) CAROLYN R. CHANEY**Date Filed (f) or Converted (c):** 09/12/2018 (f)**§ 341(a) Meeting Date:** 10/11/2018**Claims Bar Date:** 01/14/2019**Major Activities Affecting Case Closing:**

09/20/22 - compromise approved; awaiting receipt of funds.
 07/07/22 - followup w/ cnsl re: funds in court registry. 08/22/22 - motion filed to compromise controversy re: funds in court registry.
 04/26/22 - funds in court registry is lone asset remaining to be liquidated; dispute w/ creditor re: secured claim to the funds.
 02/04/22 - Order approving compromise of Andrews adversary proc. (18-ap-00603).
 Adversary status conference contd to 09/21/21. Trial set for 12/27/21 at 9:30. 01/04/22 - Joint motion to approve compromise of adv proc. 18-ap-00603.
 03/01/21 - filed motion to compromise with 303 West, LLC. Granted 04/01/21. Status conf held on 04/05/21; contd to 07/12/21.
 01/15/21 - Zoom mediation in adversary proc. Sold trailer on 12/19/20; issued bill of sale.
 11/30/20 - status conf. held in adversary proc; parties to attend mediation before 01/21/21; next status conf. on 01/25/21.
 10/20/20 - filed applic to employ auctioneer to sell trailer; auction on Nov. 21.
 Status conf on adv. proc. on 09/22/20; contd to 11/30/20. 06/23/20 - motion to approve compromise w/ Bank OZK. 07/08/20 - payment to counsel.
 08/11/20 - email to cnsl for status update.
 Compromise granted. Agreed motion to cancel July trial Debtor vs. Andrews.
 01/10/20 - attended mediation in insurance lawsuit. Executed settlement agreement w/ Westfield Insurance. 03/12/20 - filed motion to approve compromise.
 07/30/19 - file update with cnsl. 09/30/19 - file check; review of documents for insurance cnsl.
 04/30/19 - file check; continuing to gather info for insurance claim. 05/31/19 - file check; file review. 06/25/19 - file check; review.
 02/26/19 - file review; records retrieved from under review. 03/26/19 - file review; records received from CPA under review.
 12/18/18 - filed notice of removal. 12/27/18 - hrg on American Momentum stay relief for insurance proceeds and A/R; matter contd to 1/29/19.
 Established weekly conference calls with outside counsel.
 12/17/18 - notice of filing various state court documents in the bky case.
 11/19/18 - application to employ Jason Mazer as special litigation counsel. Approved 11/21/18.
 10/26/18 - filed app to employ KapilaMukamal, forensic accountants. Approved 11/08/18.
 10/23/18 - stay relief requested by American Momentum Bank.
 10/11/18 - 341 mtg held and concluded. 10/12/18 - req. adtl info from cnsl.
 10/05/18 - filed application to employ Stichter law firm to represent Trustee. Approved.

Initial Projected Date Of Final Report (TFR): 12/31/2020**Current Projected Date Of Final Report (TFR):** 11/30/2022

10/31/2022

Date

/s/CAROLYN R. CHANEY

CAROLYN R. CHANEY

Form 2

Cash Receipts And Disbursements Record

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Case No.: 8:18-bk-07736-CPM

Case Name: ZIRKELBACH CONSTRUCTION, INC.

Taxpayer ID #: **_****6854

For Period Ending: 09/30/2022

Trustee Name: CAROLYN R. CHANEY (290680)

Bank Name: Mechanics Bank

Account #: *****6000 Checking

Blanket Bond (per case limit): \$30,832,000.00

Separate Bond (if applicable): N/A

1	2	3	4		5	6	7
Trans. Date	Check or Ref. #	Paid To / Received From	Description of Transaction	Uniform Tran. Code	Deposit \$	Disbursement \$	Account Balance
10/12/18	{3}	Woods Charter School Development, LLC	Accounts Receivable.	1121-000	11,000.00		11,000.00
10/31/18		Rabobank, N.A.	Bank and Technology Services Fees	2600-000		5.00	10,995.00
11/30/18		Rabobank, N.A.	Bank and Technology Services Fees	2600-000		9.03	10,985.97
12/31/18		Rabobank, N.A.	Bank and Technology Services Fees	2600-000		8.72	10,977.25
01/23/19	{12}	HESI - Transocean Assigned Claims	Deepwater Horizon Economic & Property Damages Settlement	1229-000	6,539.58		17,516.83
01/31/19		Rabobank, N.A.	Bank and Technology Services Fees	2600-000		11.17	17,505.66
02/28/19		Rabobank, N.A.	Bank and Technology Services Fees	2600-000		13.42	17,492.24
03/29/19		Rabobank, N.A.	Bank and Technology Services Fees	2600-000		13.89	17,478.35
05/03/19	101	Avalon Document Services	Invoice ##TAPR190095. Client Ref# Zirkelbach Construction	2990-000		377.88	17,100.47
06/01/19	{3}	Johnston, Allison and Hord, PA Trust Account	Refund of retainage re: Mountain Island Charter School	1121-000	1,640.74		18,741.21
07/02/19	{12}	Westfield Insurance	Receipts - Other	1229-000	1,000.00		19,741.21
07/29/19	{3}	Johnston, Allison and Hord, PA Trust Account	Refund of retainage re: Mountain Island Charter School	1121-000	114.33		19,855.54
08/19/19	{12}	SCANA SETTLEMENT	Receipts - Other	1229-000	1.08		19,856.62
03/17/20	102	BUSH ROSS	Order Granting Motion to Authorize Payment of Mediation Fees and Costs, Doc. No. 85.	3721-000		900.00	18,956.62
03/31/20		Mechanics Bank	Bank and Technology Services Fees	2600-000		15.48	18,941.14
04/30/20		Mechanics Bank	Bank and Technology Services Fees	2600-000		30.27	18,910.87
05/27/20	{6}	Westfield Insurance	Insurance proceeds	1129-000	105,000.00		123,910.87
05/29/20		Mechanics Bank	Bank and Technology Services Fees	2600-000		29.21	123,881.66
06/30/20		Mechanics Bank	Bank and Technology Services Fees	2600-000		211.20	123,670.46
07/08/20	103	Jason S. Mazer, Esquire	Order Approving Application for Payment of Compensation, Doc. No. 109.	3210-000		34,965.00	88,705.46
07/08/20	104	Jason S. Mazer, Esquire	Order Approving Application for Payment of Compensation, Doc. No. 109.	3220-000		1,671.43	87,034.03
07/31/20		Mechanics Bank	Bank and Technology Services Fees	2600-000		176.93	86,857.10
08/31/20		Mechanics Bank	Bank and Technology Services Fees	2600-000		134.20	86,722.90
09/30/20		Mechanics Bank	Bank and Technology Services Fees	2600-000		147.86	86,575.04
10/06/20	105	Avalon Document Services	Order Granting Motion to Pay Ch 7 Admin Expenses, Doc. No. 116.	2990-000		541.97	86,033.07

Page Subtotals:

\$125,295.73

\$39,262.66

{ } Asset Reference(s)

! - transaction has not been cleared

Form 2

Cash Receipts And Disbursements Record

Page: 2-2

Case No.: 8:18-bk-07736-CPM

Case Name: ZIRKELBACH CONSTRUCTION, INC.

Taxpayer ID #: **_***6854

For Period Ending: 09/30/2022

Trustee Name: CAROLYN R. CHANEY (290680)

Bank Name: Mechanics Bank

Account #: *****6000 Checking

Blanket Bond (per case limit): \$30,832,000.00

Separate Bond (if applicable): N/A

1	2	3	4		5	6	7
Trans. Date	Check or Ref. #	Paid To / Received From	Description of Transaction	Uniform Tran. Code	Deposit \$	Disbursement \$	Account Balance
10/06/20	106	Avalon Document Services	Order Granting Motion to Pay Ch 7 Admin Expenses, Doc. No. 116.	2990-000		534.41	85,498.66
10/30/20		Mechanics Bank	Bank and Technology Services Fees	2600-000		137.51	85,361.15
11/30/20		Mechanics Bank	Bank and Technology Services Fees	2600-000		131.88	85,229.27
12/02/20	{12}	COOK V SCPSA	Receipts - Other	1229-000	97.79		85,327.06
12/16/20		Transfer Debit to Metropolitan Commercial Bank acct XXXXXX7016	Transition Debit to Metropolitan Commercial Bank acct XXXXXX7016	9999-000		85,327.06	0.00

COLUMN TOTALS

125,393.52

125,393.52

\$0.00

Less: Bank Transfers/CDs

0.00

85,327.06

Subtotal

125,393.52

40,066.46

Less: Payments to Debtors

0.00

NET Receipts / Disbursements

\$125,393.52

\$40,066.46

Form 2

Cash Receipts And Disbursements Record

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Case No.: 8:18-bk-07736-CPM

Case Name: ZIRKELBACH CONSTRUCTION, INC.

Taxpayer ID #: **_***6854

For Period Ending: 09/30/2022

Trustee Name: CAROLYN R. CHANEY (290680)

Bank Name: Metropolitan Commercial Bank

Account #: *****7016 Checking Account

Blanket Bond (per case limit): \$30,832,000.00

Separate Bond (if applicable): N/A

1	2	3	4		5	6	7
Trans. Date	Check or Ref. #	Paid To / Received From	Description of Transaction	Uniform Tran. Code	Deposit \$	Disbursement \$	Account Balance
12/16/20		Transfer Credit from Mechanics Bank acct XXXXXX6000	Transition Credit from Mechanics Bank acct XXXXXX6000	9999-000	85,327.06		85,327.06
12/31/20		Metropolitan Commercial Bank	Bank and Technology Services Fees	2600-000		150.00	85,177.06
01/29/21		Metropolitan Commercial Bank	Bank and Technology Services Fees	2600-000		131.95	85,045.11
02/10/21	{13}	BAY AREA AUCTION SERVICES, INC.	Proceeds from auction sale, Sale Notice at Doc. 121.	1229-000	1,900.00		86,945.11
02/13/21	1000	BAY AREA AUCTION SERVICES, INC.	Order Approving Compensation for Auctioneer, Doc. No. 125	3610-000		95.00	86,850.11
02/13/21	1001	BAY AREA AUCTION SERVICES, INC.	Order Approving Compensation for Auctioneer, Doc. No. 125	3620-000		242.00	86,608.11
02/26/21		Metropolitan Commercial Bank	Bank and Technology Services Fees	2600-000		128.68	86,479.43
03/02/21	1002	Continental Paving, Inc.	Proceeds from sale of trailer at auction, Doc. No. 121.	7100-000		1,063.00	85,416.43
03/31/21		Metropolitan Commercial Bank	Bank and Technology Services Fees	2600-000		151.66	85,264.77
04/30/21		Metropolitan Commercial Bank	Bank and Technology Services Fees	2600-000		136.65	85,128.12
05/21/21	{12}	BB & T	Turnover of retainage account balance	1229-000	24,714.81		109,842.93
05/28/21		Metropolitan Commercial Bank	Bank and Technology Services Fees	2600-000		132.62	109,710.31
06/30/21		Metropolitan Commercial Bank	Bank and Technology Services Fees	2600-000		193.41	109,516.90
07/12/21	1003	American Momentum Bank c/o John M. "Jack" Brennan, Jr.	Payment pursuant to Agreed Order Granting Surcharge of Insurance Settlement Proceeds, Doc. No. 154.	7100-000		47,986.57	61,530.33
07/30/21		Metropolitan Commercial Bank	Bank and Technology Services Fees	2600-000		152.45	61,377.88
08/31/21		Metropolitan Commercial Bank	Bank and Technology Services Fees	2600-000		104.92	61,272.96
09/30/21		Metropolitan Commercial Bank	Bank and Technology Services Fees	2600-000		98.20	61,174.76
10/29/21		Metropolitan Commercial Bank	Bank and Technology Services Fees	2600-000		94.77	61,079.99
11/30/21		Metropolitan Commercial Bank	Bank and Technology Services Fees	2600-000		104.41	60,975.58
12/31/21		Metropolitan Commercial Bank	Bank and Technology Services Fees	2600-000		100.98	60,874.60
01/31/22		Metropolitan Commercial Bank	Bank and Technology Services Fees	2600-000		94.31	60,780.29
02/28/22		Metropolitan Commercial Bank	Bank and Technology Services Fees	2600-000		90.92	60,689.37
03/17/22	{7}	Patrick J. Andrews	Settlement of Adv. Proc. #18-ap-00603, Doc. No. 160.	1149-000	40,000.00		100,689.37
03/29/22	1004	DOUGLAS MENCHISE	Order Granting Motion to Approve Compromise, Doc. #160	8500-000		6,000.00	94,689.37
03/31/22		Metropolitan Commercial Bank	Bank and Technology Services Fees	2600-000		136.92	94,552.45
04/29/22		Metropolitan Commercial Bank	Bank and Technology Services Fees	2600-000		151.29	94,401.16
05/31/22		Metropolitan Commercial Bank	Bank and Technology Services Fees	2600-000		146.25	94,254.91

Page Subtotals:

\$151,941.87

\$57,686.96

{ } Asset Reference(s)

! - transaction has not been cleared

Form 2

Cash Receipts And Disbursements Record

Page: 2-4

Case No.: 8:18-bk-07736-CPM

Case Name: ZIRKELBACH CONSTRUCTION, INC.

Taxpayer ID #: **_***6854

For Period Ending: 09/30/2022

Trustee Name: CAROLYN R. CHANEY (290680)

Bank Name: Metropolitan Commercial Bank

Account #: *****7016 Checking Account

Blanket Bond (per case limit): \$30,832,000.00

Separate Bond (if applicable): N/A

1	2	3	4		5	6	7
Trans. Date	Check or Ref. #	Paid To / Received From	Description of Transaction	Uniform Tran. Code	Deposit \$	Disbursement \$	Account Balance
09/22/22	{12}	Wells Fargo Bank Customer Care	Bank refund of interest and fees	1229-000	26.04		94,280.95
09/30/22		Metropolitan Commercial Bank	Bank and Technology Services Fees	2600-000		151.07	94,129.88

COLUMN TOTALS**151,967.91****57,838.03****\$94,129.88**

Less: Bank Transfers/CDs

85,327.06

0.00

Subtotal**66,640.85****57,838.03**

Less: Payments to Debtors

0.00

NET Receipts / Disbursements**\$66,640.85****\$57,838.03**

Form 2

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Cash Receipts And Disbursements Record**Case No.:** 8:18-bk-07736-CPM**Case Name:** ZIRKELBACH CONSTRUCTION, INC.**Taxpayer ID #:** **-*6854**For Period Ending:** 09/30/2022**Trustee Name:** CAROLYN R. CHANEY (290680)**Bank Name:** Metropolitan Commercial Bank**Account #:** *****7016 Checking Account**Blanket Bond (per case limit):** \$30,832,000.00**Separate Bond (if applicable):** N/A

Net Receipts:	\$192,034.37
Plus Gross Adjustments:	\$0.00
Less Payments to Debtor:	\$0.00
Less Other Noncompensable Items:	\$0.00
Net Estate:	\$192,034.37

TOTAL - ALL ACCOUNTS	NET DEPOSITS	NET DISBURSEMENTS	ACCOUNT BALANCES
*****6000 Checking	\$125,393.52	\$40,066.46	\$0.00
*****7016 Checking Account	\$66,640.85	\$57,838.03	\$94,129.88
	\$192,034.37	\$97,904.49	\$94,129.88